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8                   UNITED STATES DISTRICT COURT  
9                   WESTERN DISTRICT OF WASHINGTON  
10                  AT TACOMA

11 KAREN HILL and DAVID HILL,

12                  Plaintiffs,

13                  v.

14 WASHINGTON STATE DEPARTMENT  
15                  OF CORRECTIONS, et al.,

16                  Defendants.

17                  CASE NO. C08-5202BHS

18                  ORDER OF DISMISSAL

19         This matter comes before the Court sua sponte. On March 31, 2009, the Court  
20 issued an order adopting the Report and Recommendation of the Honorable Karen L.  
21 Strombom in part and dismissing all of Plaintiffs' claims except for their claim seeking  
22 injunctive relief. Dkt. 47. The Court did not reach the issue of whether Plaintiffs' claim  
23 for injunctive relief should proceed because the challenged policy had been revised after  
24 Plaintiffs filed their complaint. *Id.* at 8. The Court allowed Plaintiffs additional briefing  
25 regarding "the question of whether they are entitled to injunctive relief under the current  
26 [Department of Corrections] Policy." *Id.* at 9. The Court provided Plaintiffs with a  
27 deadline of May 1, 2009, to address this issue. *Id.* Plaintiffs have not filed briefing  
28 regarding this issue, nor have Plaintiffs amended their complaint to add a claim seeking  
relief based on the current DOC Policy. Therefore, Plaintiffs have not asserted a claim  
based on the revised policy.

1       The Court concludes that Plaintiffs' claim for injunctive relief must be dismissed  
2 as moot because the challenged policy has been revised. As Plaintiffs pointed out in their  
3 objection to the Report and Recommendation, the current DOC Policy makes eligible  
4 certain spouses who marry inmates post-conviction.

5       Therefore, it is hereby **ORDERED** that Plaintiffs' claim for injunctive relief is  
6 **DISMISSED WITHOUT PREJUDICE**, and this action is **DISMISSED**.

7       DATED this 19<sup>th</sup> day of May, 2009.

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12      BENJAMIN H. SETTLE  
13      United States District Judge  
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